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By: **Delegate Morhaim**

Introduced and read first time: January 29, 2004

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **State Budget - Postsession Amendments to and Reductions in**  
3                                   **Appropriations for Executive Branch Programs**

4 FOR the purpose of requiring the approval of the Legislative Policy Committee before  
5 an appropriation amendment to an Executive Branch program endorsed by the  
6 Governor may be given effect; requiring the prior approval of the Legislative  
7 Policy Committee before the Governor may reduce any appropriation that the  
8 Governor considers unnecessary or that is subject to budgetary reductions  
9 required under the budget bill as approved by the General Assembly; and  
10 generally relating to amendments to and reductions in appropriations for  
11 Executive Branch programs.

12 BY repealing and reenacting, with amendments,  
13 Article - State Finance and Procurement  
14 Section 7-209 and 7-213  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19                                   **Article - State Finance and Procurement**

20 7-209.

21       (a)       [The] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) (4) AND (5) AND  
22 SUBSECTION (G) OF THIS SECTION, THE Governor may amend an appropriation for a  
23 program of the Office of the Governor.

24       (b)       (1)       Except as provided in § 7-212 of this subtitle, whenever an officer or  
25 unit of the Executive Branch of the State government wants the appropriation for a  
26 program of the officer or unit amended, the officer or unit shall submit a proposed  
27 amended appropriation for the program to the Secretary of Budget and Management.

1           (2)     The Secretary of Budget and Management shall endorse on or attach  
2 to the proposed amended appropriation for the program a recommendation and send  
3 the amended appropriation for the program and recommendation to the Governor.

4           (3)     At any time before the Governor approves or disapproves the  
5 proposed amended appropriation for a program, the officer or unit may withdraw the  
6 proposal.

7           (4)     Whenever the Governor approves a proposed amended appropriation  
8 for a program, the Governor shall:

9                   (I)     endorse it as "approved"; AND

10                   (II)    WITHIN 10 DAYS AFTER THE GOVERNOR'S ENDORSEMENT,  
11 SUBMIT IT TO THE LEGISLATIVE POLICY COMMITTEE FOR ITS REVIEW AND  
12 APPROVAL.

13                   (I)     WITHIN 15 DAYS AFTER THE LEGISLATIVE POLICY COMMITTEE  
14 HAS RECEIVED A PROPOSED APPROPRIATION AMENDMENT FOR A PROGRAM, THE  
15 COMMITTEE SHALL TAKE ACTION ON THE AMENDMENT AND NOTIFY THE GOVERNOR  
16 OF ITS DECISION.

17                   (II)    IF THE LEGISLATIVE POLICY COMMITTEE REJECTS THE  
18 PROPOSED APPROPRIATION, THE AMENDED APPROPRIATION MAY NOT BE GIVEN  
19 EFFECT.

20                   (III)   IF THE LEGISLATIVE POLICY COMMITTEE AFFIRMATIVELY  
21 APPROVES OR DECIDES NOT TO TAKE ACTION ON THE PROPOSED AMENDMENT  
22 WITHIN THE PERIOD OF TIME SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH,  
23 THE AMENDED APPROPRIATION MAY BE GIVEN EFFECT.

24     (c)     An amendment of an appropriation for a program may not increase the  
25 sum of the appropriations for all the programs of the officer or unit.

26     (d)     (1)     (i)     Except as provided in paragraph (2) of this subsection, an  
27 amendment under this section may not increase a salary so that it exceeds the  
28 amount set by the most recently enacted State budget.

29                   (ii)    The limitation in this paragraph applies whether or not the  
30 most recently enacted budget is in effect.

31                   (2)     (i)     If the Board of Public Works approves the increase, the  
32 Governor may approve an amendment that increases the salary for a position listed in  
33 the budget bill in accordance with § 7-109 of this title.

34                   (ii)    An amendment under this paragraph remains effective until  
35 the State budget for the next fiscal year becomes effective.

36     (e)     (1)     Except as provided in paragraph (2) of this subsection, an  
37 amendment under this section may not transfer any part of an appropriation among

1 any of the principal departments or any of the units in the Executive Branch that are  
2 not assigned to a principal department.

3 (2) This subsection does not prevent a transfer that:

4 (i) is part of a reorganization under § 8-301 of the State  
5 Government Article;

6 (ii) is needed to comply with federal law or a policy directive of a  
7 federal unit that relates to the use of federal funds;

8 (iii) because of an emergency declared by the Governor, is needed to  
9 protect the health, welfare, or property of the public; or

10 (iv) is specifically authorized by the budget bill or other law.

11 (f) [The] IN ADDITION TO SENDING A COPY OF A PROPOSED APPROPRIATION  
12 AMENDMENT TO THE LEGISLATIVE POLICY COMMITTEE, THE Governor shall send a  
13 copy of each PROPOSED amended appropriation for a program to:

14 (1) the Comptroller; and

15 (2) the Department of Legislative Services.

16 (g) An amended appropriation for a program is effective when the  
17 LEGISLATIVE POLICY COMMITTEE APPROVES OR FAILS TO TAKE ACTION ON THE  
18 AMENDED APPROPRIATION AND THE Governor sends notice of the APPROVED  
19 amended appropriation to the Comptroller.

20 7-213.

21 (a) Except as provided in subsection (b) of this section, with the PRIOR  
22 approval of the Board of Public Works AND THE LEGISLATIVE POLICY COMMITTEE,  
23 the Governor may reduce, by not more than 25%, any appropriation:

24 (1) that the Governor considers unnecessary; or

25 (2) that is subject to budgetary reductions required under the budget bill  
26 as approved by the General Assembly.

27 (b) (1) The Governor may not reduce an appropriation to the Legislative  
28 Branch or the Judicial Branch of the State government.

29 (2) The Governor may not reduce an appropriation for:

30 (i) payment of the principal of or interest on the State debt;

31 (ii) public schools, including the Maryland School for the Deaf;

32 (iii) the Maryland School for the Blind; or

1                   (iv)       the salary of a public officer, during the term of office.

2                   (3)       Except as provided in § 8-109 of the State Personnel and Pensions  
3 Article, the Governor may not reduce an appropriation for the salary of any  
4 nontemporary employee in the State Personnel Management System.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 June 1, 2004.